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5 Attorneys for Defendant  
6 Leonardo DiCaprio

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8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION**

10  
11 GLOBAL WEATHER PRODUCTIONS, LLC,

12 Plaintiff,

13 v.

14 LEONARDO DICAPRIO,

15 Defendant.

Case No. 2:23-CV-09279-ODW-SSC

12 **DEFENDANT’S NOTICE OF**  
13 **MOTION AND RULE 12(B)(6)**  
14 **MOTION TO DISMISS FOR**  
15 **FAILURE TO STATE A CLAIM**  
16 **UPON WHICH RELIEF CAN BE**  
17 **GRANTED**

18 Honorable Otis D. Wright II

19 Date: December 16, 2024

20 Time: 01:30 p.m.

21 Ctrm: 5D

1 TO THE HONORABLE COURT, TO PLAINTIFF, AND TO ALL  
2 ATTORNEYS OF RECORD HEREIN:

3  
4 NOTICE IS HEREBY GIVEN that on December 16, 2024 at 1:30 PM or as  
5 soon thereafter as the matter may be heard, Defendant Leonardo DiCaprio  
6 (“DiCaprio”) will appear in this action and move the above entitled Court, located at  
7 350 West 1st Street, Los Angeles, California 90012, in Courtroom 5D for an order  
8 dismissing Plaintiff’s First Amended Complaint pursuant to Federal Rules of Civil  
9 Procedure, Rule 12(b)(6), on the ground that Plaintiff Global Weather Productions,  
10 LLC has failed to state a claim upon which relief can be granted.  
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13 This motion is based upon this Notice of Motion, the accompanying  
14 Memorandum of Points and Authorities and Declaration of Robert M. Barta filed  
15 concurrently herewith, the records and papers on file herein, and such other oral and  
16 documentary evidence, argument or matters of which this Court may take judicial  
17 notice or which may be presented at a hearing of this matter.  
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20 This motion is made following the efforts of DiCaprio’s counsel to meet and  
21 confer regarding Plaintiff’s Amended Complaint and the conference of counsel  
22 regarding Plaintiff’s original Complaint pursuant to L.R. 7-3 which took place on  
23 October 7, 2024, and which addressed mostly the same subject. Specifically, after  
24 Plaintiff filed its Amended Complaint on October 26, 2024 (Dkt. 26) in response to  
25 DiCaprio’s first Motion to Dismiss (Dkt. 22), DiCaprio’s counsel wrote a detailed  
26 email to Plaintiff’s counsel on October 28, 2024, explaining in detail why the  
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1 Amended Complaint did not change the analysis of the fair use defense raised in  
2 DiCaprio's first Motion to Dismiss and asking to meet and confer telephonically.  
3  
4 Receiving no response, on November 13, 2024, DiCaprio's counsel again reached out  
5 to Plaintiff's counsel and again received no response.  
6

7 Dated: November 15, 2024

By: /s/ Robert M. Barta

8 Robert M. Barta, Esq.

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**CERTIFICATE OF SERVICE**

On November 15, 2024, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Central District of California, using the electronic case filing system of the court. I hereby certify that I have served all counsel and/or pro se parties of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5 (b)(2).

/s/ Robert M. Barta

**Robert M. Barta**